

## **REMARKS**

The above election is made subject to the following traverse as, it is required that the Restriction Requirement demonstrate that the inventions are “independent and distinct”. However, the findings of in the restriction requirement do not appear to establish these elements.

It is axiomatic that the invention is defined by the claims. Thus, consideration of what is “the invention” includes all of what is claimed and not merely a subset of it. However, the Restriction Requirement incorporates a single claim, claim 1 into two groups - Groups I and II. The Restriction Requirement fails to provide any authority supporting the position that two independent groups can be derived from a single independent claim. Instead, the Restriction Requirement suggests that a search “required for each class and subclass is independent.” Accordingly, it is unclear that the Restriction Requirement has established that Group I and Group II are independent.

Further, it is unclear whether the Restriction Requirement has properly established that the claims of the four identified groups are, in fact, distinct. The Restriction Requirement contends that the groups are distinct because they are classified separately. However, the reasons for classification are not clear.

The claims of Group I are said to be directed to a digital display with archival storage; which is said to be classified in class 345 subclass 30. This classification is erroneous. Class 345 subclass 30 deals with display driving circuits, that is circuits that are used to convert an image stream into signals that cause a display to form images and are often considered to be an integral part of the display. Such a circuit might be useful in one or more embodiments of the presentation system of claim 1. However, it is unclear as to why claim 1 is believed to be directed to the display driving circuits within this class 345, subclass 30.

Similarly, the rationale offered for the classification of the claims of Group II is not understood. Class 715, subclass 716 is directed to a user interface.

Specifically, this class is noted as being in subclass 716 "On screen video or audio system interface" which is indented from subclass 700 which includes operator interface technology and which is directed as follows:

**OPERATOR  
INTERFACE (E.G.,  
GRAPHICAL USER  
INTERFACE)**

**700:**

This subclass is indented under **the class definition**. Subject matter wherein a user's interaction with a computer system is used to control the presentation of display data; such interaction is interpreted and used by a data processor or computer architecture wherein system level elements of computation or data processing techniques are used prior to use with or in a specific display system.

(1) Note. Significantly claimed structure external to the user interface methods or apparatuses, claimed in combination with subject matter under this operator interface subclass, which displays or produces an image or sensory message related to such external structure or its function, is classified in the class appropriate to the external structure; however, nominally claimed structure external to this subclass, claimed in combination with subject matter under this subclass definition (e.g., creation or manipulation of icons, menus, windows, and user interactive functions, etc.), is classified in these subclasses unless provided for in the appropriate external subclass.

(2) Note. Processing of interactive data for presentation with at most a nominal recitation of the input device (e.g., where the user's input is used to control the presentation of display data, etc.) is classified herein.

(3) Note. Windowing techniques that can include interactive processes are classified herein.

(4) Note. A graphical user interface in a television environment will be classified elsewhere, see the SEE OR SEARCH CLASS notes below.

**SEE OR SEARCH CLASS:**

- 345,** Computer Graphics Processing and Selective Visual Display Systems, subclasses **418** through **475**, for a specific hardware for performing graphical data processing; subclasses 155-184, for details of a user input interface device with a specific display system, per se, both physical (e.g., mouse, joystick, keyboard, light pen, touch screen, etc.) and logical (e.g., cursor-pick, select-choice, etc.); subclass 521 for specific display systems that include display memory organization and structure for storing an image and manipulating image data between the display memory and the display system.

However, it is unclear what limitations in claim 1 are directed to the type of subject matter of the 715/710 classification.

The claims of Group III are said to relate to a digital display with archival storage with processor, docking....". Claims 35-48 are included in Group III.

The claims of this group are classified in Class 345, subclass 634 which is said to relate to:

**Image based:**

634 This subclass is indented under **subclass 629**. Subject matter where a first image is conveyed in front of a second image usually using bit map graphic techniques.

**Merge or overlay:**

629 This subclass is indented under **subclass 619**. Subject matter wherein data of a first image and data of a second image are manipulated to generate a composite image.

However, claim 35 claims:

35. (Original) A digital imaging system comprising:  
a display device having a source of image content adapted to acquire image content in an acquisition form, a controller to temporarily store the image content in the acquisition form in a display device memory, a display for presenting image content, and a communication interface adapted to exchange the acquired image content with an archival storage device, with the archival storage device having a processor that is adapted to automatically input the image content from the display device, to store the acquired image content in an archival memory, and to automatically signal the display device when the acquired image content is stored in the archival memory; and  
wherein the acquired image content is converted into presentation content that is in a form that is different from the acquisition form, the presentation content is stored in the display device memory, and the display device is adapted to automatically receive the signal from the archival storage device and to delete the acquired image content from the display device memory in response to the signal.

Accordingly, it is unclear how this claim and the other claims of Group III are properly classified in class 345 subclass 634.

Similarly, it is unclear as to the nature of the restriction with respect to the claims of Group IV. Claims 49 – 64 are included in Group IV of the Restriction Requirement. The claims of this group are characterized as “relating to a digital display with archival storage with processor ...”. However, these claims are classified separately from the claims of groups I, II and III, on grounds that they are classified in class 382, subclass 209 which is directed to:

**Template matching (e.g., specific devices that determine the best match):**

209 This subclass is indented under **subclass 181**. Subject matter wherein a pattern\* is detected directly by looking for a match between the input image and a representation of the pattern\*, traditionally a two-dimensional template or mask.

However, claim 49 claims:

49. (Original) A method for operating a display device having a display and a memory, the method comprising the steps of:

- acquiring image content in an acquisition form;
- storing the image content in the memory;
- processing the acquired image content to form presentation image content having form adapted for presentation on the display;
- storing the presentation image content in the memory;
- transferring the acquired image content to an archival storage device; and
- deleting the acquired image content from the memory.

Accordingly, it is not clear as to how claim 49 and the other claims of Group IV are believed to fall into the assigned classification. Further, it is unclear as to how the claims of Group IV are classified separately from the claims of any grouping including Claim 1.

For the above reasons, reconsideration of the restriction of these claims is respectfully requested.

Respectfully submitted,



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